

**MEMORANDUM**

**GOE**  
**Agenda Item No.** 3A

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

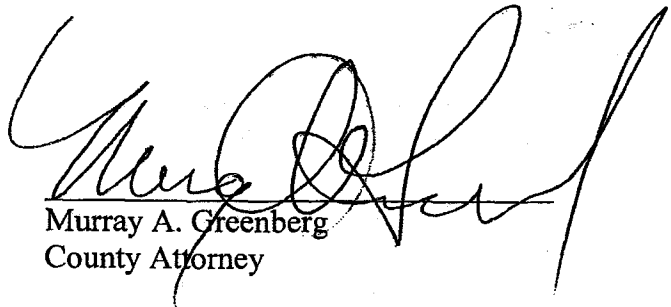
**DATE:** April 10, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance pertaining to  
zoning; amending Section  
33-13 of the Code entitled  
Unusual Uses, specifically  
for carnivals and circuses

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Senator Javier D. Souto.

  
Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** February 20, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 4(E)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 4(E)

Veto \_\_\_\_\_

2-20-07

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ENTITLED "UNUSUAL USES", SPECIFICALLY, UNUSUAL USE REGULATIONS FOR CARNIVALS AND CIRCUSES; REQUIRING CLEARANCE BY THE MIAMI-DADE COUNTY POLICE DEPARTMENT PRIOR TO OPERATING CIRCUSES OR CARNIVALS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board recognizes that circuses and carnivals attract, and are largely frequented by, children; and

WHEREAS, there is a strong likelihood that children attending circuses and carnivals will come into direct contact with persons working or volunteering at the circus or carnival; and

WHEREAS, the Board desires to enhance the safety and security of children attending circuses and carnivals by reducing the incidence of direct contact between children and sexual offenders or violent felons,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

**Section 1.** Section 33-13 of the Code of Miami-Dade County is hereby amended as follows:<sup>1</sup>

**Sec. 33-13. Unusual uses.**

- (a) *Prohibited in residential district.* Any use of premises in a residential district which conflicts with normal and expected use in the district is prohibited.

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(g) *Circuses or carnivals* may be operated on GU and AU properties which are located within the Urban Development Boundary, and in BU-2 and all IU Districts, and on properties having a current certificate of use and occupancy for church or school use without a public hearing as prescribed in the above paragraph, provided:

- (1) Written waivers of objection for the specific use and length of time that the carnival or circus will remain in the location are obtained from all property owners within five hundred (500) feet.
- (2) Written waivers of objections are obtained from eighty (80) percent of the owners or tenants or residential buildings within one thousand (1,000) feet and subsequent investigation by the Director does not determine other objections, and provided further that no such use shall be for more than fifteen (15) days.
- (3) Carnival and circus use on school, church or shopping center premises shall be limited to two (2) events per calendar year.
- (4) The necessity for waivers of objection as enumerated in (f)(1) and (2) above shall be waived by the Director on developed shopping center sites containing not less than sixty (60) acres where the rides, tents and booths associated with the event are set back a minimum of five hundred (500) feet from any residential structure, providing subsequent investigation by the Director does not determine any objections related to health, safety, or welfare.
- >>(5) The applicant shall submit to the Department an approved carnival/circus clearance issued by the Miami-Dade County Police Department. Such clearance shall include, but shall not be limited to, a nationwide criminal background check for all employees, vendors, volunteers, agents, independent contractors, and employees of independent contractors of the carnival or circus company confirming that no such person whose duties require physical presence at a carnival or circus event in unincorporated Miami-Dade County:
  - (i) has been convicted of a felony involving violence within the past five (5) years; or
  - (ii) has been convicted of a felony involving the trafficking of narcotics within the past (5) years; or
  - (iii) is a "sexual predator" as defined in Section 775.21(4), Fla. Stat. or a "sexual offender" as defined in Section 943.0435, Fla. Stat.; or
  - (iv) is without proof of United States citizenship or legal immigration status in the United States.

Subsection (g)(5) regulations above shall apply to all carnivals and circuses approved after public hearing as well as all such events approved administratively pursuant to this section.<<

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

LMey

Prepared by:

DDC

Monica Rizo

Sponsored by Sen. Javier D. Souto